

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44986 of 2023

Arising Out of PS. Case No.-6 Year-2021 Thana- KISHANPUR District- Supaul

Md. Eidwa Son of Md. Kayyum @ Md. Kaijum Resident of village - Fulkaha,
Ward No.- 10, P.S.- Kishanpur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-09-2023 Learned counsel for the petitioner is permitted to make correction in paragraph-4 of the supplementary affidavit I course of the day.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. Petitioner seeks bail, who is in custody since 06.04.2023, in connection with Kishanpur P.S. Case No. 06 of 2021, F.I.R. dated 06.01.2021 registered for the offences punishable under Section 392 of the Indian Penal Code but the police after investigation submitted chargesheet under Section 392 and 412 of the Indian Penal Code.

4. The allegation in the F.I.R. is that the petitioner and the other accused persons on the point of pistol, snatched Aadhar Card, Pan Card and other I.D. including mobile phone and a cash of Rs. 12,000/- of the informant.



5. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the name of the petitioner has been transpired on the basis of disclosure made by co-accused person namely Sunil Kumar and nothing has been recovered from the possession or the house of the petitioner rather recovery has been made from the possession of co-accused namely Sunil Kumar and except the confessional statement of co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the co-accused person who disclosed the name of the petitioner namely Sunil Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 16.06.2022 passed in Cr. Misc. No. 15985 of 2022, another co-accused person namely Ravindra Kumar Mandal @ Ravi Kumar Mandal has been granted bail by a Coordinate bench of this Court vide order dated 27.07.2022 passed in Cr. Misc. No. 18651 of 2022 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 06.04.2023.

6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case,



let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Kishanpur P.S. Case No. 06 of 2021, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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